

FINAL
ORDER OF DISCIPLINE
FILED
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N.J. BOARD OF NURSING

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF : Administrative Action
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LISA R. KOHFELEDT, RN :
License # 26NO12006200 : FINAL ORDER
: OF DISCIPLINE
:
TO PRACTICE NURSING IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Lisa R. Kohfeldt ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about June 4, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. On September 13, 2014, the Respondent was arrested by members of the Florence Township Police Department for violations of N.J.S.A. 2C:35-10A(1) (Possession of Controlled Dangerous Substance); N.J.S.A. 2C:35-10.5E (Possession of Prescription Legend Drug), N.J.S.A. 2C:35-10A(4) (Possession of Marijuana); N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia); N.J.S.A. 39:4-50 (Driving While Intoxicated) and at least seven other traffic offenses. On September 25, 2014, the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and proof of completion of required continuing education to

Respondent's address of record in Florence, New Jersey, via regular and certified mail. The regular mailing was not returned. The certified mail was returned and indicated a new address for Respondent.

5. On January 28, 2015, the Board's letter of inquiry was forwarded, via regular and certified mail, to Respondent at the address provided by the United States Postal Service on the returned mail. The regular mailing was not returned. The certified mailing was returned as "Unclaimed."

6. By letter dated March 5, 2015, Respondent partially responded to the Board's letter of inquiry. She indicated that her un-named attorney would provide the Board with further details of her arrest. She indicated that she was not working and that she was participating with the Board's designated intervention program, the Recovery and Monitoring Program (RAMP). She provided documentation of completion of the following continuing education:

0 hours within the 6/1/11 - 5/31/13 biennial period; and
31 hours within the 6/1/13 - 5/31/15 biennial period (including the one hour course on Organ and Tissue Donation).

She failed to provide copies of the municipal court complaint/accusation/indictment; police reports; plea agreements; trial dates; updates on status of cases;

disposition; sentencing; proof of payment of fines; and proof of completion of sentencing.

7. To date, Respondent has not further replied to the Board's requests for information.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in

sum subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Lastly, Respondent's drug related arrest raises sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

DISCUSSION

A Provisional Order of Discipline (POD) was filed on August 27, 2015 based upon Ms. Kohfeldt's failure to fully respond to the Board's letter of inquiry about her September 2014 drug-related arrest (DWI also) and failure to complete and provide documentation of continuing education. The POD seeks a reprimand, \$750 civil penalty, comprehensive mental health and substance abuse evaluation ("RAMP" evaluation), and a suspension until Ms. Kohfeldt fully responds to the Board's inquiry and

demonstrates completion of all required continuing education to date.

Ms. Kohfeldt responded to the POD and provided all information requested in the Board's letter of inquiry. She maintains that she hired an attorney to respond to the Board's letter of inquiry. It appears that the attorney drafted a response, but it was not sent to the Board due to a miscommunication between Ms. Kohfeldt and the attorney. Ms. Kohfeldt has now provided a full and complete response. She was found guilty of DWI and some other traffic offenses. The drug-related charges were downgraded and amended and she was found guilty of a municipal ordinance violation for "nuisance/public health." She has paid fines, had her driver's license suspended for three months, and participated with Intoxicated Driving Resource Center classes. She is also participating with RAMP and anticipates completing the program in 2017.

Regarding continuing education, Ms. Kohfeldt has provided proof of completion of the following continuing education:

40 hours within June 1, 2011 - May 31, 2013;

31 hours within June 1, 2013 - May 31, 2015.

As such, Ms. Kohfeldt has timely completed all required continuing education.

The Board was persuaded that the submitted documents warrant modification of the POD by eliminating the suspension, reprimand and \$250 civil penalty, but maintaining the \$500 civil penalty and the provision requiring a RAMP evaluation. Ms. Kohfeldt failed to keep the Board apprised of the status of her criminal case and failed to provide all the requested information, including the disposition of her criminal and traffic offenses, until after the POD was filed.

ACCORDINGLY, IT IS on this 23rd day of March, 2016,
ORDERED that:

1. Respondent must continue participation with RAMP and remain in full compliance with her agreement with RAMP.
2. By participating in RAMP, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.
3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.
4. Respondent is assessed a civil penalty in the amount of five hundred and fifty dollars (\$500). Said penalty is

captioned for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

12. The Board reserves the right to initiate disciplinary proceedings based upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Murphy,
Board President